

PATENT COOPERATION TREATY

PCT

NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Commissioner
US Department of Commerce
United States Patent and Trademark
Office, PCT
2011 South Clark Place Room
CP2/5C24
Arlington, VA 22202
ETATS-UNIS D'AMERIQUE

in its capacity as elected Office

Date of mailing: 12 April 2001 (12.04.01)	
International application No.: PCT/US00/27300	Applicant's or agent's file reference: CM2415/JB
International filing date: 04 October 2000 (04.10.00)	Priority date: 05 October 1999 (05.10.99)
Applicant: MCGOFF, Matthew, Grady et al	

1. The designated Office is hereby notified of its election made:

☒ in the demand filed with the International preliminary Examining Authority on:
05 February 2001 (05.02.01)

☐ in a notice effecting later election filed with the International Bureau on:

2. The election ☒ was
☐ was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No.: (41-22) 740.14.35	Authorized officer: J. Zahra Telephone No.: (41-22) 338.83.38
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PATENT COOPERATION TREATY

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INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference CM2415/JB	FOR FURTHER ACTION see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. PCT/US 00/ 27300	International filing date (day/month/year) 04/10/2000	(Earliest) Priority Date (day/month/year) 05/10/1999
Applicant THE PROCTER & GAMBLE COMPANY et al.		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 3 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

- a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).
- b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing :
- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2. ☐ **Certain claims were found unsearchable** (See Box I).

3. ☐ **Unity of invention is lacking** (see Box II).

4. With regard to the **title**,

- ☒ the text is approved as submitted by the applicant.
- ☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

- ☒ the text is approved as submitted by the applicant.
- ☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the **drawings** to be published with the abstract is Figure No.

- ☐ as suggested by the applicant.
- ☐ because the applicant failed to suggest a figure.
- ☐ because this figure better characterizes the invention.
- ☐ None of the figures.

INTERNATIONAL SEARCH REPORT

International Application No

PCT/US 00/27300

A. CLASSIFICATION OF SUBJECT MATTER
IPC 7 C11D17/00

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)
IPC 7 C11D

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 5 543 439 A (MCDERMOTT KEITH J ET AL) 6 August 1996 (1996-08-06) claim 1	1,2,5,6, 8,14,15
X	EP 0 334 490 A (INT FLAVORS & FRAGRANCES INC) 27 September 1989 (1989-09-27) page 9, line 44 claims 1-6	1,2,6-8, 12,14,15
X	WO 98 28339 A (ALLIED COLLOIDS LTD) 2 July 1998 (1998-07-02) page 11, line 21 - line 25 page 5, line 12 -page 7, line 7 page 13, line 19 - line 22 page 8, line 16 - line 18	1,2,5,6, 8,9,11, 14,15

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☒ Further documents are listed in the continuation of box C.☒ Patent family members are listed in annex.

* Special categories of cited documents :

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document but published on or after the international filing date
- *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- *O* document referring to an oral disclosure, use, exhibition or other means
- *P* document published prior to the international filing date but later than the priority date claimed

- *T* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- *X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- *Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- *G* document member of the same patent family

Date of the actual completion of the international search

1 February 2001

Date of mailing of the international search report

08/02/2001

Name and mailing address of the ISA

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Authorized officer

Richards, M

INTERNATIONAL SEARCH REPORT

International Application No

PCT/US 00/27300

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 98 12291 A (SURUTZIDIS ATHANASIOS ;LEBLANC MICHAEL JUDE (US); PROCTER & GAMBLE) 26 March 1998 (1998-03-26) page 9, line 16 - line 27 page 11, line 25 - line 30 page 23, line 35 - line 36 ----	1-3,6-8, 12,14,15
X	WO 93 22417 A (UNILEVER PLC ;UNILEVER NV (NL)) 11 November 1993 (1993-11-11) page 32, line 13 - line 30 claims 1-12 ----	1,2,6-8, 12,14,15
X	FR 2 120 295 A (BALDON GUY) 18 August 1972 (1972-08-18) claims 1-5 ----	1,2,5,6, 8,14,15
X	EP 0 539 025 A (UNILEVER PLC ;UNILEVER NV (NL)) 28 April 1993 (1993-04-28) claims 1-17 ----	1,2,5,6, 8,9,14, 15
X	US 5 385 959 A (TSAUR LIANG S ET AL) 31 January 1995 (1995-01-31) column 20, line 35 - line 50 column 12, line 50 - line 52 claim 1 -----	1,2,6-9, 12,14,15

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/US 00/27300

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
US 5543439	A	06-08-1996	AU 679651 B	03-07-1997
			AU 4025795 A	05-09-1996
			DE 69512020 D	14-10-1999
			EP 0728804 A	28-08-1996
			ES 2136255 T	16-11-1999
			GB 2290300 A, B	20-12-1995
			NL 1001434 C	05-02-1998
			NL 1001434 A	28-08-1996
			NZ 280593 A	26-07-1996
EP 0334490	A	27-09-1989	US 4842761 A	27-06-1989
			DE 68918142 D	20-10-1994
			DE 68918142 T	12-01-1995
WO 9828339	A	02-07-1998	AU 5331798 A	17-07-1998
			AU 5331898 A	17-07-1998
			AU 5331998 A	17-07-1998
			BR 9713619 A	11-04-2000
			BR 9713634 A	11-04-2000
			EP 0950087 A	20-10-1999
			EP 0950088 A	20-10-1999
			EP 0950070 A	20-10-1999
			WO 9828396 A	02-07-1998
			WO 9828398 A	02-07-1998
			US 6024943 A	15-02-2000
			ZA 9711578 A	23-06-1999
			ZA 9711582 A	23-06-1999
			ZA 9711589 A	23-06-1999
WO 9812291	A	26-03-1998	BR 9711801 A	24-08-1999
			CA 2250324 A	26-03-1998
			CN 1213399 A	07-04-1999
			EP 0931130 A	28-07-1999
			JP 2000500822 T	25-01-2000
			US 6025319 A	15-02-2000
WO 9322417	A	11-11-1993	US 5281357 A	25-01-1994
			AU 4261393 A	29-11-1993
			DE 69303293 D	25-07-1996
			DE 69303293 T	21-11-1996
			EP 0672102 A	20-09-1995
			ES 2091001 T	16-10-1996
			JP 7506137 T	06-07-1995
			US 5281355 A	25-01-1994
			US 5385959 A	31-01-1995
			ZA 9303026 A	29-10-1994
FR 2120295	A	18-08-1972	NONE	
EP 0539025	A	28-04-1993	US 5246603 A	21-09-1993
			AU 664859 B	07-12-1995
			AU 2535792 A	01-04-1993
			CA 2078717 A, C	26-03-1993
			DE 69227883 D	28-01-1999
			DE 69227883 T	12-05-1999
			ES 2124720 T	16-02-1999
			JP 2837042 B	14-12-1998
			JP 5222672 A	31-08-1993

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/US 00/27300

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
US 5385959 A	31-01-1995	AU 4261393 A	29-11-1993
		DE 69303293 D	25-07-1996
		DE 69303293 T	21-11-1996
		WO 9322417 A	11-11-1993
		EP 0672102 A	20-09-1995
		ES 2091001 T	16-10-1996
		JP 7506137 T	06-07-1995
		ZA 9303026 A	29-10-1994

TENT COOPERATION TREATY

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REC'D 16 JAN 2002

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)



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Applicant's or agent's file reference CM2415/JB	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/US00/27300	International filing date (day/month/year) 04/10/2000	Priority date (day/month/year) 05/10/1999
International Patent Classification (IPC) or national classification and IPC C11D17/00		
Applicant THE PROCTER & GAMBLE COMPANY et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 6 sheets, including this cover sheet.
- ☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).
- These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 05/02/2001	Date of completion of this report 14.01.2002
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich	Authorized officer Miller B 

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/US00/27300

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17):*)

Description, pages:

1-34 as originally filed

Claims, No.:

1-15 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/US00/27300

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	2-11, 14-15
	No:	Claims	1, 12-13
Inventive step (IS)	Yes:	Claims	
	No:	Claims	1-15
Industrial applicability (IA)	Yes:	Claims	1-15
	No:	Claims	

2. Citations and explanations see separate sheet

Re l t m V

Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Novelty (Article 33(2) PCT)

The present application does not meet the criterion set forth in Article 33(2) PCT because the subject-matter of claims 1 and 12-13 is not new in respect of the prior art as defined in the regulations (Rule 64(1)-(3) PCT).

The following documents disclose already articles falling within the scope of present claims 1 and 12-13 (a different process leading to a known product does not automatically confer novelty to said known product).

- a) **US-A-4 618 629** (D1, annex 1) reports a flexible polyurethane foam comprising the foam-forming reaction product of water as a foaming agent, an isocyanate reactive polyol and a polyisocyanate, and including uniformly contained in said foam a fragrance material (active ingredient) comprising a finely divided resin (stabilising agent) carrying a fragrance, said water (plasticizer) being present in an amount sufficient to provide a flexible foam and said fragrance material being present in an amount sufficient to provide fragrance-emitting characteristics to said foam for a prolonged time period.
- b) **US-A-5 543 439** (D2) describes an article comprising a plasticised polyvinylalcohol (number average molecular weight of from 15000 to 68000) containing up to 13% by weight of plasticizer and 1-20% by weight of fragrance (claim 1). The polyvinylalcohol article is extruded by using a Berstoff twin screw or foam extrusion equipment (col. 1, lines 37-40).

2. Inventive Step (Article 33(3) PCT)

- 2.1. The problem to be solved by the present invention may be regarded as providing a protection system (against air, moisture and chemical reactions which may cause degradation) for active ingredients which exhibits sufficient impact resistance during handling (page 1).

Document **US-A-4 618 629** (D1), which is considered to represent the most relevant state of the art, discloses (cf. claim 1) a flexible polyurethane foam comprising a fragrance as active ingredient.

Therefore said document solves the same problem as the present application in the same way as proposed in the present application.

Therefore the solution proposed in claim 1 (elastic article comprising a foam matrix formed from a polymeric material and a plasticiser and an active ingredient) of the present application cannot be considered as involving an inventive step (Article 33(3) PCT).

- 2.2. Documents **WO-A-98/12291** or **EP-A-0 539 025** (D4) can be taken as further starting points for the discussion of inventive step.

D3 depicts a laundry additive particle for delivering a number of useful laundry and cleaning agents either to or through the wash cycle. The laundry additive particle comprises a porous carrier material as the particle core and multiple surface or encapsulation coatings (stabilising agents) on the porous core.

D4 discloses fragrance (active ingredient) containing microcapsules (stabilising agent) for fabric conditioning (claim 1). These microcapsules can be comprised in a multi-use article such as a sponge or foamed plastics material releasably enclosing enough of the conditioning composition to impart effective fabric softening during several drying cycles. This multi-use article can be made by filling a porous sponge with the composition (page 7, lines 24-31, 53-54).

The subject-matter of present claim 1 differs from the articles described in D3 and D4 in that the article is elastic.

However, the use of an elastic material seems to be merely one of several straightforward alternatives from which the skilled person would select, in accordance with circumstances, without the exercise of inventive skill, in order to solve the problem posed, in particular since no unexpected advantages or surprising effects due to the elastic properties of the article are mentioned in the present application.

Thus, the subject-matter of present claim 1 lacks an inventive step over D3 or D4, contrary to Article 33(3) PCT.

- 2.3. The same reasoning applies to the subject-matter of use claims 14 and 15, which thus also lack an inventive step, contrary Article 33(3) PCT.
- 2.4. Dependent claims 2-11 do not appear to contain any additional features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT with respect to inventive step. The described features are either known from the cited prior art or come within the scope of the customary practice followed by the man skilled in the art, especially as the advantages thus achieved can be readily contemplated in advance. Furthermore the application is devoid of any further unexpected advantages or surprising effects due to the features mentioned in said dependent claims. Therefore claims 2-11 lack an inventive step, contrary to Article 33(3) PCT.